



Melbourne City Council
November 25, 2025
City Manager's Item Report

Department:	Community Development
Presenter:	Cindy Dittmer
Council District:	N/A
Reading Number:	1
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	Yes
Item Number:	C.17.

Subject:

Ordinance No. 2025-58, Affordable Housing Updates

Background/Consideration:

This is the first reading of an ordinance amending City Code, Appendix B 'Zoning', Article V 'District Regulations', Section 4, 'Affordable Housing Development'; as it relates to changes made to Florida Statutes Chapter 166 (Live Local Act) in 2024 and 2025.

In 2023, new and existing affordable housing standards were moved into one centralized location under the Use and Dimensional Standards in City Code (located in Appendix B, Article V, Section 4). Incentive options currently in City Code include reduced zoning and land development regulation standards, deferral/waiver of impact fees, and density bonus/Live Local Act allowances. To be affordable, code language identifies that at least 30% of the dwelling units must be occupied by households with annual incomes at or below 120 percent of the median annual income for the Metropolitan Statistical Areas (MSA). City Code maintains the minimum 30% requirement for residential zoning districts; a minimum of 40% for affordable housing development under the Live Local Act, and an allowance for developments below 10% with reduced incentive options.

Since 2023, the Florida Legislature has made additional revisions to Chapter 166, F.S. The proposed ordinance incorporates the additional changes, required and optional, made in 2024 and 2025. All changes will be located within Section 4, Affordable Housing.

Permitting affordable housing development on property owned by a religious institution: In 2025, modifications were made to Chapter 166, F.S., which permits local governments to allow affordable housing on parcels that are owned by a religious institution that contain a house of public worship. The proposed revision will permit affordable housing development on I-1 (Institutional District) zoned properties that have an active house of worship on the property. I-1 zoned parcels are typically larger and not located within predominantly single-family residential areas whereas some houses of worship are located in single-family residential zoned districts with a conditional use.

Limiting affordable housing (Live Local Act projects) in the vicinity of the Melbourne Orlando International Airport: In 2024, Chapter 166 F.S. and Chapter 333 F.S. were amended to limit affordable housing development (Live Local Act projects) near airports and in certain areas extending from the end of runways for a distance of 10,000 feet. Language to not allow Live Local Act housing in these areas is proposed under this text amendment.



Parking space requirements for two-bedroom units and larger: In 2025, revisions were made to Chapter 166 F.S., changing the percentage that could be requested by a developer (15%) in regard to reducing parking requirements for proposed affordable housing projects. Accordingly, parking requirements will be modified for two-bedroom units and larger to meet the 15% threshold, allowing a parking ratio of 1.7 spaces per unit. A reduction in parking spaces is currently provided for studio and one-bedroom units.

Removing the density bonus provision in regard to the maximum density permitted for Live Local Act projects: In 2024, Chapter 166 F.S was modified such that allowable density means the density prescribed for the property without additional requirements. Accordingly, language granting a 30% bonus for the maximum density permitted in the C-3 District is proposed to be deleted from Code. This change will denote the maximum density allowed in the C-3 District is strictly 100 units per acre and does not include any density bonus implemented for non-Live Local Act projects.

Limiting the maximum height in circumstances where the proposed development is adjacent to single-family homes: In 2024, Chapter 166 F.S. was modified so that the maximum height for an affordable housing development could be limited if the proposed development is adjacent, on two sides, to a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes. Language is proposed that will limit affordable housing development to the maximum height allowed within a zoning district, as noted in Table 1B of the Zoning Code when such development is adjacent to single family neighborhoods (typically 36 feet). A Conditional Use request for additional height is only permitted within the C-3 (Central Business District) zoning classification.

Adding a maximum FAR for mixed-use projects: In 2024, Chapter 166 F.S. was modified so that the city must allow a floor area ratio (FAR) of 150% of the highest currently allowed floor area ratio. Language identifying this FAR percentage is proposed to be incorporated with this text amendment.

Additional Revisions: A revision is proposed to add language regarding expediting permits for affordable housing developments. This is currently an administrative policy in effect since 2004 and is being codified for clarity. In addition, minor formatting changes were also made to Sections (A) and (C).

On November 6, 2025, the Planning and Zoning Board voted unanimously to recommend approval of the proposed ordinance.

The Affordable Housing Advisory Committee will meet on December 2, 2025, to consider the impact of the code changes to affordable housing.

Fiscal/Budget Impact:

N/A

Requested Action:

Approval of Ordinance No. 2025-58, based upon the findings contained in the Planning and Zoning Board memorandum.

Memorandum

To: Jenni Lamb, City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Sandy Ramseth, AICP, Planner
Re: **Finding of Consistency (FOC2025-0004), and Zoning Text Amendment (TEXT2025-0011): Modifications to Appendix B, Article V, Section 4, Affordable Housing Development**
Date: November 13, 2025

Owner/Applicant/Representative

- Applicant – City of Melbourne

Proposed Actions

Amend City Code, Part III, Appendix B, Article V, Section 4, Affordable Housing Development; as it relates to changes made to Florida Statutes Chapter 166 (Live Local Act) in 2024 and 2025.

Location

This action shall apply to properties in the City of Melbourne.

History

Following is the history of the affordable housing regulations and Live Local Act revisions:

- 1994: Ord.1994-40. City Code residential use standards for affordable housing established by Ord. 94-40. This ordinance defined affordable housing and created the R-1B zoning district for single-family residential development.
- 2010: Ord. 2010-14. Amended affordable housing development standards by adding required percentages of affordable housing dwelling units based on income levels, and reduced building setbacks, parking requirements, and landscape buffers.
- 2019: Ord. 2019-18. Amended City Code to provide an impact fee deferral allowance for all impact fees assessed to affordable housing developments.
- 2021: September 29, 2021 - City Council acknowledged receipt of the State Housing Initiatives Partnership (SHIP) 2021 Annual Review and Recommendation Report and provided guidance to enact code changes to encourage the development of affordable housing.
- 2022: City Council adopted new development standards as incentives to affordable housing development (FOC2023-0002, TEXT2023-0003, TEXT2023-0004/ Ordinance No. 2022-01).

- 2022: City Council discussed additional incentives related to density bonus, density allowance and impact fee waiver for all fees excluding water and sewer.
- 2023: (July 1): The Live Local Act was signed into law (CS/SB 102; Ch. 2023-17).
- 2023: A resolution amending the Comprehensive Plan was transmitted by City Council with the incentive changes in January (Resolution No. 4139).
- 2023: City Council amended City Code to help incentivize affordable housing development and comply with legislative mandates for affordable housing (Live Local Act).

Current Affordable Housing Incentive Summary

In 2023, new and existing affordable housing standards were moved into one centralized location under the Use and Dimensional Standards in City Code (located in Appendix B, Article V, Section 4). The following summary provides information pertaining to the incentive options currently in City Code.

Affordable Housing Development. The Affordable Housing Development section identifies the minimum number of units that are required to qualify as “affordable housing development”. To be affordable, code language identifies that at least 30% of the dwelling units must be occupied by households with annual incomes at or below 120 percent of the median annual income for the Palm Bay-Melbourne, Titusville Metropolitan Statistical Areas (MSA). City Code maintains the minimum 30% requirement for residential zoning districts; however, for affordable housing development under the Live Local Act, a minimum of 40% of the total dwelling units must be affordable.

Options. Specific incentive options include:

- *Zoning and Land Development Regulations.* There are standards in City Code that reduce parking spaces and building setbacks, eliminate the increased setback along rights-of-way for multi-story buildings, and reduce the buffer requirement abutting single-family residential lots.
- *Deferral and Waiver of Impact Fees.* When a developer requests a deferral of impact fees, the deferral allowances are identified by eligible household income categories (100% for very low, 50% for low, and 25% for moderate); and the section also provides for a method to waive certain impact fees (for low- and very-low-income households) at the completion of the affordability period.
- *Density Bonus.* This incentive option is only considered for properties within the R-1B, R-2, and R-3 zoning districts and allows for a 30% density bonus. The proposed table categorizes the maximum affordable housing density bonus by future land use map classification.
- *Live Local Act Allowances.* This incentive option is only considered for properties with commercial, mixed-use and/or industrial zoning. This incentive permits the following: the maximum density allowance for affordable housing development (ultimately 130 units per acre); the maximum height allowance of 3 stories (City Code allows 4 floors and up to 48 feet tall), except properties within one mile of C-3 zoning (8 floors and up to 96 feet tall); and requiring that mixed-use developments provide at least 65 percent of the total square footage to residential purposes.

Proposed Affordable Housing Changes

Since 2023, when Section 4, Affordable Housing Development was included in City Code to implement the Live Local Act, the Florida Legislature has made additional revisions to Chapter 166, F.S. This proposed Code amendment incorporates the additional changes made in 2024 and 2025.

Permitting affordable housing development on property owned by a religious institution

In 2025, modifications were made to Chapter 166, F.S., which permits local governments to allow affordable housing on parcels that are owned by a religious institution that contains a house of public worship. The proposed revision to Section 4 of City Code will permit affordable housing development on I-1 (Institutional District) zoned properties which have an active house of worship on the property. A revision has been made to Sec. 4(B) to specify the incentive options available for properties that are zoned I-1. In addition, a minimum lot size requirement has been incorporated into Table 1E for properties zoned I-1.

The Comprehensive Plan contains a Future Land Use Map component that establishes a long-range planning horizon to 2045. Future Land Use Element Objective 1.7 states the City shall assure that needed public and institutional services and facilities are developed concurrent with new development. The allowance for a threshold of at least 40 percent of affordable housing units is based upon the long-range planning goals for affordable housing and institutional uses established in the Comprehensive Plan. A threshold of less than the proposed 40 percent, would excessively reduce the amount of land set aside for institutional purposes in the City by changing the use of these properties to a market rate residential use. The 40 percent threshold is consistent with Comprehensive Plan goal of providing affordable housing within the city. Housing Element Objective 1.2 states the City shall encourage and assist the private sector in the provision of safe, clean, and affordable housing for workforce and low and moderate-income households.

Limiting affordable housing (Live Local Act projects) in the vicinity of the Melbourne Orlando International Airport

In 2024, Chapter 166 F.S. and Chapter 333 F.S. was amended to limit affordable housing development (Live Local Act projects) near airports and in certain areas extending from the end of runways for a distance of 10,000 feet. Language to not allow Live Local Act housing in these areas is proposed to be incorporated into Section 4, Affordable Housing Development.

Parking space requirements for two-bedroom units and for units with more than two bedrooms

In 2025, revisions were made to Chapter 166 F.S., changing the percentage that could be requested by a developer (15%) in regard to reducing parking requirements for proposed affordable housing projects. Accordingly, parking requirements were modified for two-bedroom units and for units with more than two bedrooms to meet the 15% threshold. This language now sets the parking ratio at 1.7 spaces per each of the above referenced apartment sizes to meet this new language.

Removing the density bonus provision in regard to the maximum density permitted for Live Local Act projects

In 2024, Chapter 166 F.S was modified such that allowable density means the density prescribed for the property without additional requirements. Accordingly, language granting a 30% bonus for the maximum density permitted in the C-3 District is proposed to be deleted from Code. This change will denote the maximum density allowed in the C-3 District is strictly 100 units per acre and does not include any density bonus implemented for non-Live Local Act projects.

Limiting the maximum height in circumstances where the proposed development is adjacent to single family homes

In 2024, Chapter 166 F.S. was modified so that the maximum height for an affordable housing development could be limited if the proposed development is adjacent, on two sides, to a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes. Language is proposed that will limit affordable housing development to the maximum height allowed within a zoning district, as noted in Table 1B of the Zoning Code when such development is adjacent to single family neighborhoods. A Conditional Use for additional height is only permitted within the C-3 (Central Business District) zoning classification.

Adding a maximum FAR for mixed use projects

In 2024, Chapter 166 F.S. was modified so that the city must allow a floor area ratio (FAR) of 150% of the highest currently allowed floor area ratio. Language identifying this FAR percentage is proposed to be incorporated into Section 4, Affordable Housing Development.

Additional Revisions

A revision is proposed to add language regarding expediting permits for affordable housing developments. This is currently an administrative policy in effect since 2004 and is being codified for clarity. In addition, minor formatting changes were also made to Sections (A) and (C).

Business Impact Statement

A business impact statement is required since portions of the changes in the statutes were optional.

Finding of Consistency

The proposed modifications to City Code, Part III, Appendix B, Article 5, Section 4, Affordable Housing Development are consistent with the City's Comprehensive Plan. Specifically, the proposal is consistent with Goal 1 of the Housing Element, which states the City shall encourage and promote the provision of affordable, safe, and sanitary housing to meet the needs of the present and future population of the City. The proposed revisions are also consistent with Housing Element Objective 1.2, which states the City shall encourage and assist the private sector in the provision of safe, clean, and affordable housing for workforce and low and moderate-income households.

Planning and Zoning Board Action

On November 6, 2025, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments.

The Affordable Housing Advisory Committee will meet on December 2, 2025, to consider the impact of the code changes to affordable housing.

Recommendation

Approval of the ordinance based upon the findings contained in the Planning & Zoning Board memorandum.

Memorandum

To: Mayor and Council
From: Yvonne Minus, Chair, Planning and Zoning Board
Re: **Finding of Consistency (FOC2025-0004), and Zoning Text Amendment (TEXT2025-0011): Modifications to Appendix B, Article V, Section 4, Affordable Housing Development**
Date: November 7, 2025
Applicant: City of Melbourne

The Planning and Zoning Board, at its regular scheduled meeting of November 6, 2025, reviewed the above Finding of Consistency and Text Amendment requests.

Following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of FOC2025-0004 and TEXT2025-0011, for amendments to City Code, Part III, Appendix B, Article V, Section 4, Affordable Housing Development; as it relates to changes made to Florida Statutes Chapter 166 (Live Local Act) in 2024 and 2025. The Planning and Zoning Board's recommendation is based upon the following findings:

Findings for the Proposed Text Amendment

1. The proposed modifications to City Code are consistent with the goals and objectives of the Comprehensive Plan and will assist in the execution of policies within the Comprehensive Plan. The proposed revisions will implement policy language that enhances the application of affordable housing regulations within the City of Melbourne. The proposed revisions will enhance these regulations by providing incentives and reducing development barriers.
2. The proposed revisions address recent legislative changes to Florida Statutes. The proposed City Code revisions are consistent with F.S. 166.04151, both the previously amended sections and those portions modified by legislative revisions to the Live Local Act in 2024 and 2025. The proposed modifications, which are consistent with the Live Local Act, limit affordable housing development in the vicinity of the Melbourne Orlando International Airport and set a maximum FAR for mixed use projects.
3. The proposed Code changes are consistent with Housing Element Policy 1.2.2, which states the City shall encourage and assist the private sector in the provision of safe, clean, and affordable housing for workforce, very-low-, low- and moderate-income households. The proposal will encourage the provision of affordable and workforce housing within the City. The proposed Code modifications will assist the private sector in the provision of affordable housing by reducing development barriers and providing incentives.

4. The proposed revisions are consistent with Housing Element Policy 1.2.4, which states the City shall continue implementing regulations in the Land Development Code to provide incentives to developments with affordable housing and workforce housing units while analyzing their effectiveness. These incentives could include, but are not limited to, increased densities; flexible development regulations; and deferment, subsidy and/or waiver of building permit fees, impact fees and inspection fees. The Code changes reduce the required number of parking spaces for two-bedroom units and for units with more than two bedrooms. The revisions also clarify the maximum allowable density permitted for Live Local projects.
5. The proposed changes are consistent with Housing Element Policy 1.2.5 which states the City shall encourage the provision of affordable housing in infill/redevelopment areas by providing incentives. The City shall also encourage the development of affordable housing in the Community Redevelopment Districts. The proposed revisions protect adjacent single-family neighborhoods by limiting the maximum permitted height for affordable housing development projects in locales where the proposed project is adjacent on two sides to single family homes.
6. The proposal will have no adverse effect on the City's ability to provide adequate public services and facilities. The proposed changes will assist in the implementation of City Code requirements for affordable housing. The modifications will support the construction of affordable housing development within the City of Melbourne.
7. The proposed changes will not significantly change the general character of the City, cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments, as the revisions reinforce the administration of City Code requirements. Specifically, the proposed modifications enhance affordable housing standards in City Code while encouraging the provision of affordable housing within Melbourne.
8. The subject modifications will further development and redevelopment efforts by making City Code more user-friendly to property owners, the development community, and City staff. The proposed modifications will encourage the development of affordable housing developments within the city.
9. The proposed changes are consistent with City Code's purpose of promoting the health, safety, education, cultural and economic welfare of the public by improving Code requirements regarding the provision of affordable housing. The proposed changes are also consistent with F.S. 166.04151, both the previously amended sections and those portions modified by legislative changes made to the Live Local Act in 2024 and 2025.

Respectively Submitted,


for
Yvonne Minus, Chair
Planning and Zoning Board

Business Impact Estimate

To: Jenni Lamb, P.E., City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Sandy Ramseth, AICP, Planner
Date: March 18, 2025
Re: Ordinance No. 2025-58 – Zoning Text Amendment (TEXT2025-0011)
Affordable Housing Update

Summary of the Proposed Ordinance

The proposed makes revisions and updates to the “Affordable Housing Development” section of City Code in order to: expands where affordable housing can develop, protect the Melbourne Orlando International airport runway zones, reduce parking requirements for 2-bedroom or greater affordable units, protects established single-family neighborhoods from projects with height, provides additional floor area ratio allowances for mixed use development, and to remove and/or revise language that is ambiguous or antiquated in practice. The ordinance also adds language regarding expediting permits for affordable housing developments.

The proposed revisions address recent legislative changes to Florida Statutes. The proposed City Code revisions are consistent with F.S. 166.04151, both the previously amended sections and those portions modified by legislative revisions to the Live Local Act in 2024 and 2025. Several changes were mandatory for local governments to adopt while also providing for optional areas for local governments to decide whether or not to adopt. With this text amendment, the city is adopting all required legislative changes and is additionally choosing to allow affordable housing on parcels zoned I-1 (Institutional) that are owned by a religious institution that contains a house of public worship. I-1 zoned parcels tend to be larger in size and not located within predominantly single-family residential areas.

The Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes, and may be revised following its initial publication and prior to adoption of the proposed ordinance.

Estimate of Direct Economic Impact of the Proposed Ordinance on Private, For-Profit Businesses

There are no known compliance costs that businesses may reasonably incur if the ordinance is enacted.

There are no new charges or fees on businesses subject to the proposed ordinance, or for which businesses will be financially responsible.

Costs for the City's regulatory enforcement are unknown and cannot be reasonably estimated at this time.

Good Faith Estimate of Number of Businesses Likely to Be Impacted by the Proposed Ordinance

The proposed ordinance deals with affordable housing development within the City of Melbourne. Any impact to businesses by the proposed ordinance is secondary, and does not implicate negative enforcement possibilities for businesses.

ORDINANCE NO. 2025-58

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO AFFORDABLE HOUSING DEVELOPMENT; MAKING FINDINGS; AMENDING APPENDIX B OF THE CITY CODE, ENTITLED "ZONING"; AMENDING ARTICLE V, DISTRICT REGULATIONS; AMENDING SECTION 4, AFFORDABLE HOUSING DEVELOPMENT; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC2025-0004/ TEXT2025-0011)

WHEREAS, in 2023, new and existing affordable housing standards were moved into one centralized location under Appendix B, Article V, Section 4 of the City Code in order to implement the Live Local Act; and

WHEREAS, since that time, the Florida Legislature has made additional revisions to Chapter 166, Florida Statutes, which requires and allows the City of Melbourne to incorporate certain changes into the current code; and

WHEREAS, the City of Melbourne continues to be supportive of affordable housing and has incorporated changes now allowed by these recent Florida Statute changes; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on November 6, 2025, conducted a public hearing with regard to this ordinance, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds this ordinance to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That the foregoing recitals are hereby incorporated herein as findings supporting adoption of this ordinance.

SECTION 2. That Appendix B of the City Code of Melbourne, Florida, is hereby amended

to read as follows:

APPENDIX B. ZONING

* * * *

ARTICLE V. DISTRICT REGULATIONS

* * * *

Sec. 4. Affordable housing development.

This section describes options and incentives for affordable housing development along with the process and approvals necessary to obtain these allowances, compliance and monitoring, and enforcement. Unless otherwise stated, terms are defined in appendix B, article II.

Affordable housing includes residential or mixed-use developments containing residential units that are occupied by households with annual incomes at or below 120 percent of the median annual income for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area. These categories include moderate-income household, low-income household and very-low-income household, as defined.

- (A) *Applicability.* A development may be considered as an affordable housing development, based upon the total number of units set aside for a qualified household, as defined.

* * * *

- (2) For multi-family and mixed-use residential development proposed in the R-P, C-1A, C-1, C-2, C-3, C-P, C-E, M-1, and M-2, at least 40 percent of the dwelling units upon completion shall be occupied by households with annual incomes at or below 120 percent of the median annual income for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area.
- (3) Multi-family and mixed-use residential development proposed in R-P, C-1A, C-1, C-3, and C-P zoning districts with at least 10% percent of the dwelling units and less than 40% percent of the dwelling units upon completion, shall be occupied by households with annual incomes at or below 120 percent of the median annual income for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area.
- (4) In the I-1 zoning district, for multi-family development proposed on properties owned by a religious institution as defined in F.S. § 170.201(2), which contains an active house of public worship as a principal use, at least 40 percent of the dwelling units upon completion shall be occupied by households with annual incomes at or below 120 percent of the median

annual income for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area.

(5) An affordable housing development as identified in F.S. § 166.04151(7) may not be located near a runway at the Melbourne Orlando International Airport within one quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any existing runway or planned runway identified in the Airport Master Plan.

(B) *Incentive options to develop affordable housing.* To promote affordable housing development, there are optional incentives available for the development. All options require an affordable housing use certificate. A development may utilize one or more of the applicable options.

	Zoning/Land Development Regulations for Affordable Housing	Impact Fee Deferral/Waiver	Density Bonus	Live Local Act Allowances
* * * *				
Live Local Act: <u>As referenced in sec. 4(A)(2), Mmulti-family and mixed-use residential uses in R-P, C-1A, C-1, C-2, C-3, C-P, C-E, M-1, M-2</u>	Administrative Approval	Administrative Approval	N/A (Allowed the highest density permitted in city)	Administrative Approval
<u>As referenced in sec. 4(A)(3), Mmulti-family and mixed-use residential uses not meeting Live Local Act in R-P, C-1A, C-1, C-3, C-P</u>	N/A	Administrative Approval	N/A	N/A
<u>As referenced in sec. 4(A)(4), multi-family residential uses in I-1</u>	<u>Administrative Approval</u>	<u>Administrative Approval</u>	<u>Administrative Approval (Allowed Medium)</u>	<u>N/A</u>

			<u>Density Residential)</u>	
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(C) *Provisions for affordable housing incentive options. This section further describes optional incentives available for the development of affordable housing.*

~~(1) This section further describes optional incentives available for the development of affordable housing.~~

(21) Use of specific zoning standards and land development regulations for affordable housing. This option is available for all zoning categories that permit residential development or provided under the Live Local Act allowance.

* * * *

(b) The development of single-, two-, three- family residential, townhomes, and multi-family, mixed-use residential affordable housing in R-1B, R-2, R-3, R-P, C-1A, C-1, C-2, C-P, C-E, M-1, M-2, and I-1 zoning districts shall comply with minimum living area as identified in Table 1A below, setbacks as identified in Table 1B below, parking as identified in table 1C below, landscaping/amenities as identified in Table 1D below and dimensional standards as identified in Table 1E below.

* * * *

Table 1C: Parking*	
* * * *	
Two-bedroom dwelling units (moderate income)	Two <u>1.7</u> parking spaces each
Dwelling units with more than two bedrooms	Two <u>1.7</u> parking spaces each
* * * *	

* * * *

Table 1E: Dimensional Standards					
	Single-family ¹	Two-family	Three-family	Townhouses	Multi-family
Minimum lot area (sq. ft.)	5,000	8,000	10,000	1,800	7,000

					20,000 in I-1
* * * *					

* * * *

- (3) *Density bonus.* Density bonus may only be considered for properties with R-1B, R-2, and R-3, and I-1 zoning, if located within a future land use map classification that provides for a residential density.

Based upon the future land use designation on the property, the following residential units per acre (upa) could be permitted for affordable housing utilizing the 30 percent density bonus:

Future Land Use	Activity Center	Non-Affordable Housing Density Permitted	Affordable Housing Density Bonus*
* * * *			
Medium Density Residential <u>including properties zoned I-1</u>	N/A	15 units per acre	19.5 units per acre
* * * *			

- (4) *Live Local Act allowances.* The following special development allowances may only be considered for multi-family and mixed-use residential development where at least 40 percent of the units occupied by households with annual incomes at or below 120 percent of the median annual income for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area, in the following zoning districts: R-P, C-1A, C-1, C-2, C-3, C-P, C-E, M-1, and M-2.

- (a) *Density.* The maximum density permitted shall not exceed the maximum density permitted within the city, currently 100 units per acre. ~~However, in order to provide an optional density bonus within the C-3 zoning district above the permitted 100 units per acre, this section grants all developments within subsection (4) above a maximum density of 130 units per acre.~~
- (b) *Height.* The maximum height permitted is consistent with Table 1E in this section, unless the development is located within one-mile of a C-3 zoning district, which permits a maximum height of eight floors or up to 96 feet in height.

Notwithstanding, if the proposed development is adjacent on two or more sides to a parcel zoned for single-family residential use that is

within a single-family residential development with at least 25 contiguous single-family homes the maximum height will be restricted to the maximum height allowed in appendix B, article V, section 2, Tables 2A and 2B. A conditional use for additional height shall only be permitted on properties zoned C-3.

- (c) Mixed use development requirements. For mixed-use residential projects, at least 65 percent of the total square footage for all building area must be used for residential purposes. For mixed use development projects, the maximum permitted floor area ratio (FAR) shall not exceed 150% of the maximum FAR permitted within the city, currently a FAR of 6.0.

* * * *

(D) *Affordability period.*

- (1) The duration of the affordability period for an eligible affordable housing development on property zoned R-1AAA, R-1AA, R-1A, R-1B, R-2, ~~or R-3,~~ and I-1 is outlined in the following table based upon the number of options selected for the proposed development.

* * * *

(J) Expedited review. All development permits for affordable housing development shall be expedited through the review and approval process.

* * * *

SECTION 3. Severability and Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (* * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the

Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 5. That this ordinance was passed on first reading at a regular meeting of the City Council on the _____ day of _____, 2025, and adopted on the second and final reading at a regular meeting of the City Council on the _____ day of _____, 2025.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2025-58